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Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Letter dated 6 February 2008 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

I should like to take this opportunity to transmit to you the report which the Democratic Republic of the Congo is submitting to the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (see annex).

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

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Annex to the letter dated 6 February 2008 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Chairman of the Committee

Report submitted by the Democratic Republic of the Congo to the Security Council Committee established pursuant to resolution 1267 (1999)

31 January 2008

This report, submitted by the Government of the Democratic Republic of the Congo, provides supplementary information to the report submitted on 27 June 2005 to the Security Council Committee established by resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities.

It contains responses to the questions raised in paragraph 10 of Security Council resolution 1617 (2005) and annex II thereto.

Implementation of resolution 1455 (2003)

I. Introduction

1. At the initiative of INTERPOL Belgium, the special services conducted investigations based on suspicions relating to a number of businesses, but it was concluded that there were no grounds for prosecution.

II. Consolidated list

2. As soon as the National Committee for Coordinating Efforts to Counter International Terrorism receives the consolidated list, it forwards it to the special services, which incorporate it into their operational research files.

3. We have encountered problems relating in particular to a lack of identification information such as photographs, fingerprints and DNA profiles.

4. No such cases have yet arisen.

5. No such cases have yet arisen.

6. No such cases have yet arisen.

7. No such cases have yet arisen.

8. Articles 52 and 190 of the Constitution of the Democratic Republic of the Congo prohibit any individual or group of individuals from using part of the national territory as a base for subversive or terrorist activities against the State. In addition the organization of military or paramilitary formations or private militias and the maintenance of armed youth groups by private individuals are regarded as crimes of treason under the Constitution.

See also the section relating to paragraph 1 (b) of Security Council resolution 1373 (2001) in the supplementary report submitted by the Democratic Republic of the Congo to the Counter-Terrorism Committee (S/2003/386).

III. Financial and economic assets freeze

9. (a) The Democratic Republic of the Congo invites the Committee to refer to the section relating to paragraph 1 (a) of Security Council resolution 1373 (2001) in the third report of the Democratic Republic of the Congo to the Counter-Terrorism Committee (S/2005/260).

(b) Article 17 of the Act on combating money-laundering and the financing of terrorism provides for the establishment of a Financial Intelligence Unit, which has financial independence and decision-making powers and reports to the Ministry of Finance. The arrangements for the establishment of the Financial Intelligence Unit are to be determined by decree of the Prime Minister in accordance with the current Constitution. This decree is being finalized by the Office of the Prime Minister.

The Financial Intelligence Unit is an administrative unit but also has investigative powers. Two bodies will be involved in the management of the unit: (i) the Governing Board, which is responsible for considering general policy issues; and (ii) the Executive Secretariat, which is responsible for the day-to-day management of the unit.

The Financial Intelligence Unit will be funded initially from the State budget. In addition, there is a general plan to set up a fund to combat organized crime which will finance, inter alia, the operation of the unit.

10. The structures and mechanisms in place within the Administration of the Democratic Republic of the Congo for the identification of financial networks associated with terrorism are the Central Bank, the Financial Intelligence Unit, credit institutions, other financial intermediaries and, pursuant to Title III of Act No. 04/016 of 19 July 2004 on combating money-laundering and the financing of terrorism, the Public Prosecutor's Office.

The National Committee for Coordinating Efforts to Counter International Terrorism, which brings together experts from all these bodies, is responsible for coordination at the national level.

11. The Democratic Republic of the Congo invites the Committee to refer to the sections relating to paragraph 1 (a) and (d) of Security Council resolution 1373 (2001) in its third report to the Counter-Terrorism Committee (S/2005/260).

In general terms, Act No. 04/016 of 19 July 2004 provides the Democratic Republic of the Congo with a legislative framework with provisions for the prevention, detection and, when appropriate, suppression of acts of money-laundering and the financing of terrorism. According to instruction No. 15 of 15 December 2005 issued by the Central Bank of the Democratic Republic of the Congo, credit institutions, financial services companies, exchange offices and microfinance institutions are obliged, pursuant to the above Act No. 04/016 of 19 July 2004, to take the following steps:

- Verify the identity and address of the client from certified documents at the time the relationship is established;
- Monitor the client's operations. Such verifications take place in accordance with the "know your customer" and due diligence requirements.

Banks and other financial intermediaries must have measures in place to ensure the identification of clients who wish to open an account or conduct a remote transaction.

These measures may include arranging for authentication of the documents presented, a request for additional documents, independent verification of the client's status by a reputable third party, the requirement that a first payment be made through an account opened in the client's name in a bank subject to international standards to combat money-laundering and the financing of terrorism or the sending of a receipt to the client's address by courier.

The Central Bank of the Democratic Republic of the Congo has the power to monitor and discipline all financial sector entities (credit institutions, financial services companies and microfinance institutions).

12. No such cases have yet arisen in the Democratic Republic of the Congo.

13. No such cases have yet arisen in the Democratic Republic of the Congo.

14. The Democratic Republic of the Congo invites the Committee to refer to the sections relating to paragraph 1 (a), (c) and (d) of Security Council resolution 1373 (2001) in its third report to the Counter-Terrorism Committee (S/2005/560).

Act No. 04/016 of 19 July 2004: with this law, the Democratic Republic of the Congo has taken steps to combat money-laundering and to criminalize the financing of terrorism.

Instruction No. 15 of 15 December 2006 of the Central Bank of the Democratic Republic of the Congo contains rules to combat money-laundering and the financing of terrorism.

Act No. 003/2002 of 2 February 2002 regulates the activity and control of credit institutions.

All these laws include provisions to regulate the reporting of suspicious financial transactions. The National Committee for Coordinating Efforts to Counter International Terrorism is the coordination agency responsible for providing the relevant public services (the Central Bank, the police, customs, special services and the INTERPOL National Central Bureau) with the updated list of persons or entities transmitted by the Committee established pursuant to Security Council resolution 1267 (1999).

In accordance with the above Act No. 04/016, credit institutions and other financial intermediaries are required to declare all suspicious transactions to the national Financial Intelligence Unit.

The Governor of the Central Bank of the Democratic Republic of the Congo has issued an instruction on the rules applicable to microfinance establishments in relation to combating money-laundering and the financing of terrorism.

IV. Travel ban

15. The Committee may refer to the sections relating to paragraph 2 (c) and (d) of Security Council resolution 1373 (2001) in the third report of the Democratic Republic of the Congo to the Counter-Terrorism Committee (S/2005/260).

16. The persons identified are included on the list which is distributed to the various special services so that measures can be taken. There is a problem of identification in view of the absence of photographs and fingerprints which would provide additional means of identification.

17. The updated list is transmitted as soon as it is received.

The Democratic Republic of the Congo does not yet possess the capability of searching list data by electronic means at all entry points.

18. No such cases have yet arisen.

19. (a) The Minister for Foreign Affairs and International Cooperation of the Democratic Republic of the Congo transmits the list to all consular offices of the Democratic Republic of the Congo abroad; (b) Our visa-issuing authorities have not yet identified any such cases.

V. Arms embargo

20. Ordinance-law No. 85-035 of 3 September 1985 regulating firearms and ammunition. Ordinance No. 85-212 of 3 September 1985 specifying measures for the enforcement of the above Ordinance-law No. 85-035 of 3 September 1985.

The Democratic Republic of the Congo is subject to an arms embargo pursuant to Security Council resolution 1533 (2004). The Democratic Republic of the Congo does not produce arms and therefore does not export any arms. There is comprehensive legislation on the detection, production, sale and transport of uranium products to prevent illicit trafficking, including the following:

Ordinance No. 78-195 of 5 May 1978 establishing a public agency called the General Commissariat on Atomic Energy;

Decree No. 05/019 of 29 March 2005 on the organization and functioning of the National Ionizing Radiation Protection Committee;

Decree No. 05/020 of 29 March 2005 establishing the National Nuclear Safety Committee;

Decree No. 05/21 establishing the National Radiation Protection Institute;

Decree No. 05/22 establishing regulations for protection against the dangers of ionizing radiation.

In the Democratic Republic of the Congo, the purchase, possession and production of arms are prohibited. The illegal possession of war weapons is punishable under the Military Penal Code. In 1997 this prohibition was extended to include the bearing and possession of hunting weapons.

21. See section 20 above.

22. Order No. 97/002 of 2 July 1997 suspended until further notice the authorization of permits to bear arms, including hunting weapons.

23. The Democratic Republic of the Congo does not produce any kind of arms.

VI. Assistance and conclusion

24. The Democratic Republic of the Congo wishes to provide assistance in the form of intellectual input in the context of measures for the implementation of conventions but does not yet have the financial means to provide technical assistance.

25. The Democratic Republic of the Congo does not have appropriate electronic equipment to apply the terrorist sanctions regime. The Democratic Republic of the Congo submitted a technical assistance request to the Counter-Terrorism Committee in the context of efforts to combat terrorism and is still waiting for a positive response. In that connection, the Democratic Republic of the Congo is willing to receive technical assistance from the Committee.

26. No additional information.